



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Acting Secretary

January 31, 2023

The Honorable Melony Griffith
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 64 – HIV Prevention Drugs - Prescribing and Dispensing by Pharmacists and Insurance Requirements – Letter of Information

Dear Chair Griffith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information for Senate Bill (SB) 64 – HIV Prevention Drugs – Prescribing and Dispensing by Pharmacists and Insurance Requirements. SB 64 will authorize pharmacists to prescribe and dispense post-exposure prophylaxis (PEP) drugs, require the Maryland Medical Assistance Program (Maryland Medicaid) to provide HIV prevention drugs, and prohibit managed care organizations (MCOs), insurers, non-profit health service plans, and health maintenance organizations (HMOs) from requiring prior authorization for PrEP¹, and step therapy, or cost-sharing for both drugs.

PEP and PrEP medications are integral to meaningful HIV prevention and will enhance access to these treatments for Marylanders with limited access to healthcare. PrEP is a daily medication for people at risk of acquiring HIV infection.² PEP is an as-needed medication that has been shown to reduce HIV transmission by 80 percent if taken within 72 hours of exposure.³

The Maryland Medicaid program currently provides coverage for the following PrEP drugs: Truvada, Descovy, generic forms of these drugs, and Apretude. Costs for these drugs through the fee-for-service (FFS) program to MDH range from \$24.90 to \$37,554.90 for a 30-day supply.⁴ The following PEP regimens are also covered as a combination with brand or generic Truvada: Isentress, Tivicay, Prezista, Ritonavir, and Stribild. These are 28-day courses that range in cost to MDH from \$80.10 to \$3,640.50.

All HIV drugs for Maryland Medicaid's FFS program and for the managed care program (HealthChoice) have a \$1 co-pay for Medicaid participants. This co-pay is waived for pregnant

¹ MDH does not impose prior authorization on HIV drugs. As a result of HB 970 (Chapter 684 of the Acts of 2022), MCOs may not impose prior authorization for PEP drugs, effective January 1, 2023. Some MCOs have prior authorization requirements for PrEP.

² About PrEP, CDC (2022) <https://www.cdc.gov/hiv/basics/prep/about-prep.html>

³ Bamberger JD, Waldo CR, Gerberding JL, Katz MH. Postexposure prophylaxis for human immunodeficiency virus (HIV) infection following sexual assault. *Am J Med.* 1999 Mar. 106 (3):323-6

⁴ The high end cost for PrEP medications was misstated in MDH's submission with respect to 2022's SB 355. The cost was previously listed as \$3,699.99, rather than the correct amount for 2022 of \$36,999.90.

women and children. If a participant cannot afford to pay the co-pay, the pharmacist is required to dispense the medication without collecting the co-pay. In calendar year (CY) 2022, co-pays related to HIV/AIDS drugs amounted to \$4,906 in the FFS program and \$140,914 in HealthChoice. These co-pays are considered revenue for MDH.

Benefits covered for HealthChoice participants are subject to the requirements of The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA). Compliance with MHPAEA includes an assessment of financial requirements, such as co-pays, placed on medical/surgical drugs (M/S) in comparison with those in place for mental health/substance use disorder benefits. Exempting certain M/S drugs from co-pays will require ongoing monitoring by MDH to ensure ongoing compliance with MHPAEA, and can have implications for MDH's ability to collect behavioral health drug co-pays in future years if additional M/S drugs are exempt from co-pays. In CY 2022, co-pays for behavioral health drugs amount to \$3.7 million, all in the FFS program.

Lastly, MDH notes that Federal Ryan White HIV/AIDS funding dollars are not currently authorized for application to PrEP coverage or ongoing care. MDH also notes that while "The Maryland Center for HIV Services" is named in SB 64, HIV prevention services are currently housed under the Infectious Disease Prevention and Health Services Bureau (the Bureau) within the Prevention and Health Promotion Administration.

I hope this information is helpful. If you would like to discuss this further, please contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,



Laura Herrera Scott, M.D, M.P.H.
Acting Secretary